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September 2, 2022

VIA ECF

The Honorable Denise L. Cote, U.S.D.J.
United States District Court, Southern District of New York
500 Pearl Street, Room 1910
New York, NY 10007

Re: *Trez Capital (Florida) Corporation v. Noroton Heights & Company, LLC*
Case No.: 1:20-cv-09622-DLC

Dear Judge Cote:

Our firm, along with Wofsey Rosen Kweskin & Kuriansky, LLP, represents defendant-counterclaimant Noroton Heights & Company LLC (“Noroton”) in the above-referenced matter. Pursuant to Section 8(b) of Your Honor’s Individual Rules of Practices, we write to respectfully request that the Court permit Noroton to file under seal unredacted versions of: (1) its Memorandum of Law in Opposition to Trez’s Motion *In Limine* to Exclude the Expert Report and Testimony of Bruce Gamble, to be filed today, September 2, 2022; and (2) Exhibits 3, 4, and 6 to the accompanying Declaration of Leonard M. Braman (“Braman Declaration”) submitted therewith.

Consistent with the August 15, 2022 sealing order this Court issued as to Trez’s filing of the underlying motion *in limine* (Dkt. No. 102), Noroton’s Memorandum of Law in opposition to the motion contains references to documents and information that the Court previously permitted to be filed under seal. The information is highly confidential and commercially sensitive and its disclosure would violate Noroton’s confidentiality obligations to third parties and subject them to commercial harm. In the publicly filed version of its Memorandum of Law, Noroton has limited redactions to only that information which the Court permitted to be filed under seal as determined at the August 1, 2022 status conference.

Similarly, Exhibit 3 to the Braman Declaration consists of portions of the deposition transcript of James Palmer that were designated “Attorney’s Eyes Only” pursuant to the Stipulated Confidentiality and Protective Order in this case (Dkt. No. 39), and which reveal the type of information the Court permitted to be filed under seal in its August 15, 2022 sealing order.

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Exhibit 4 to the Braman Declaration is a Noroton email designated “Attorney’s Eyes Only” pursuant to the Stipulated Confidentiality and Protective Order in this case (Dkt. No. 39). It discloses the identities of multiple third parties in prospective joint venture transactions with Noroton (to whom Noroton owes confidentiality obligations) and the business terms of those proposed transactions. Noroton respectfully submits that the filing of this email under seal is consistent with the Court’s August 15, 2022 sealing order as it pertains to information concerning Noroton’s prospective joint venture transactions (Dkt. No. 102).

Exhibit 6 is an Underwriting Transaction Report (“UTR”) for the Noroton loan transaction produced by Trez in this action and designated “Confidential” pursuant to the Stipulated Confidentiality and Protective Order. The UTR contains Trez’s comprehensive analysis of financial information concerning the project, Noroton, and Noroton’s principals and related businesses. Trez’s UTR was contemporaneously labeled “CONFIDENTIAL” and it contains highly confidential, sensitive, and proprietary business and personal financial information of Noroton and its principals and related businesses, the disclosure of which would cause harm to Noroton and to third parties. Nor does the public have any appreciable interest in viewing this confidential business and personal financial information. For these reasons, Noroton respectfully requests that the Court permit the UTR to be filed under seal.

We thank the Court for its consideration of this matter.

Respectfully submitted,

GORDON & REES
SCULLY MANSUKHANI, LLP

Ryan Sestack

Ryan J. Sestack

*Redactions are approved. Permission to
file redacted copies in the public
record and unredacted documents
under seal is granted.*

Denise Cote
9/22/22